

AT A REGULAR MEETING OF THE CULPEPER COUNTY BOARD OF SUPERVISORS HELD IN THE BOARD ROOM, LOCATED AT 302 N. MAIN STREET, ON TUESDAY, SEPTEMBER 5, 2006.

Board Members Present: *John F. Coates, Chairman*
Steven E. Nixon, Vice-Chairman
Larry W. Aylor
William C. Chase, Jr.
Sue D. Hansohn
Brad C. Rosenberger
Steven L. Walker

Staff Present: Frank T. Bossio, County Administrator
J. David Maddox, County Attorney
Valerie H. Lamb, Finance Director
John C. Egertson, Planning Director
Paul Howard, Director of Environmental Services
Peggy S. Crane, Deputy Clerk

CALL TO ORDER

Mr. Coates, Chairman, called the meeting to order at 10:00 a.m.

PLEDGE OF ALLEGIANCE TO THE FLAG

Mr. Aylor led the Board and the audience in the Pledge of Allegiance to the Flag.

APPROVAL OF AGENDA - ADDITIONS AND/OR DELETIONS

Mr. Frank Bossio, County Administrator, asked that the following items be added to the agenda:

Under **CONSENT AGENDA**, item h., The Board will consider a Resolution of Appreciation for the Brandy Station Volunteer Fire Department, Inc.;

Under **GENERAL COUNTY BUSINESS**, the Presentation of the Resolution of Appreciation for the Brandy Station Volunteer Fire Department, Inc.; and

Under **CLOSED SESSION**, item 5, Under *Virginia Code* § 2.2-3711(A)(7), for discussion with legal counsel and staff regarding probable litigation concerning changes in ordinances where discussion in an open meeting would adversely affect the negotiating and litigation posture of the County.

Mr. Walker moved, seconded by Mr. Nixon, to approve the agenda as amended.

Mr. Coates called for voice vote.

Ayes - Aylor, Chase, Coates, Hansohn, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

APPROVAL OF MINUTES

The minutes of the August 1, 2006 regular meetings were presented to the Board for approval.

Mr. Nixon moved, seconded by Mr. Aylor, to approve the minutes as presented.

Mr. Coates called for voice vote.

Ayes - Aylor, Chase, Coates, Hansohn, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

CONSENT AGENDA

Mr. Bossio reviewed the following Consent Agenda items with the Board:

- a. The Board will consider approving budget amendment for the Department of Human Services for additional funds in the area of various public assistance programs in the amount of \$77,166.57.
- b. The Board will consider a request from the Sheriff's Office to apply for a grant from the U.S. Department Homeland Security for the Commercial Direct Assistance Program. If awarded, the grant will provide the TacSight equipment valued at approximately \$13,000.
- c. The Board will consider approving a budget amendment for the Library for additional State funding received in the amount of \$9,600. The additional funding will be applied toward the purchase of books.
- d. The Board will consider acceptance and appropriation of a grant for the Sheriff's Office from the Department of Criminal Justice Services for a TRIAD Grant in the amount of \$2,250. The funding will be used to purchase equipment for senior citizens. Local match required \$250 from the Sheriff's Operating Budget.
- e. The Board will consider a request from Virginia Department of Transportation to accept Ridge View Court located on State Route 802 in The Fields at Jeffersonton Subdivision into the Secondary System of State Highways.
- f. The Board will consider approving acceptance of a vehicle from the Brandy Station Volunteer Fire and Rescue Department for use by the Office of Emergency Services.
- g. The Board will consider a request from Carl Stafford, Extension Agent, Agriculture, to adopt a resolution declaring Culpeper County as a drought disaster area.
- h. The Board will consider a Resolution of Appreciation for the Brandy Station Volunteer Fire Department, Inc., for their recent donation to the Department of Emergency Services.

Mr. Nixon moved, seconded by Mr. Walker, to approve the Consent Agenda as presented.

Mr. Chase asked whether the TacSight equipment covered in item b. was night vision equipment. Sheriff Hart replied that it was heat-sensitive equipment and would be used for search and rescue.

Mr. Coates called for voice vote.

Ayes - Aylor, Chase, Coates, Hansohn, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

GENERAL COUNTY BUSINESS

**PRESENTATION OF RESOLUTION OF APPRECIATION FOR THE BRANDY STATION
VOLUNTEER FIRE DEPARTMENT, INC.**

Mr. Coates noted that the Brandy Station Volunteer Fire Department was Company 2 in Culpeper County and was organized in 1951. He said the original building was built in 1952, and the Company just held a groundbreaking ceremony for another new building on their property. He stated he was extremely impressed by the number of young people who had been attracted to this Company.

Mr. Coates asked Mr. Chris Brown, Chief, and Mr. David Myers, President, to come forward for the presentation. Mr. Bossio read the following resolution into the record:

***RESOLUTION OF APPRECIATION
FOR
BRANDY STATION VOLUNTEER FIRE DEPARTMENT, INC.***

WHEREAS, the Brandy Station Volunteer Fire Department, Inc., Company #2, a volunteer agency of Culpeper County, is called upon to give of its time, effort, monies, and even the lives of its personnel in the pursuit of saving the lives and property of the citizens of Culpeper, Virginia; and

WHEREAS, the Brandy Station Volunteer Fire Department, Inc., recognizes the increasing time demands of responsibilities and activities of the Culpeper County Office of Emergency Services response to Emergency Medical Services needs of the Citizens of Culpeper County; and

WHEREAS, the Brandy Station Volunteer Fire Department, Inc., in the name of the Brandy Station Community, has generously donated a 1991 Chevrolet Suburban to the County of Culpeper for use by the County's Office of Emergency Services; and

NOW, THEREFORE BE IT RESOLVED that the Culpeper County Board of Supervisors, on behalf of the Citizens of Culpeper County, expresses its deepest appreciation to the Brandy Station Volunteer Fire Department, Inc., for its generous donation.

DONE this 5th day of September 2006.

By: Larry W. Aylor, Cedar Mountain District
William C. Chase, Jr., Stevensburg District

/s/ John F. Coates
John F. Coates, Chairman

Sue D. Hansohn, Catalpa District
Steven E. Nixon, West Fairfax District
Brad C. Rosenberger, Jefferson District
Steven L. Walker, East Fairfax District

Culpeper County Board of Supervisors
Salem District

ATTEST:

Frank T. Bossio, Clerk to the Board

Mr. Coates expressed the Board's appreciation to Chief Brown and Mr. Myers for the donation to the County.

TREASURER'S ANNUAL REPORT

Mr. David DeJarnette, Treasurer, presented his annual report to the Board and focused primarily on delinquent taxes. He noted that the purpose for Report 1 was to list real estate on the Commissioner's land book that was improperly placed, but no report was required since none was improperly placed. He pointed out that Report 2 covered delinquent real estate taxes; Report 3 covered delinquent personal property taxes; and Reports 4 and 5 related to uncollected taxes of \$20 or less that could be waived, but which the Treasurer deemed to be collectible.

Mr. DeJarnette stated that he was pleased with Report 2, which showed a total of two years' delinquency of \$656,000 in real estate taxes for tax year 2004, representing approximately 2.72 percent, compared with the current year of \$565,000 delinquency, or 2.17 percent – approximately \$100,000 less than the 2004 total. He said that the personal property delinquency was the only number out of line in Report 3 which showed the current delinquency for tax year 2005 increased from \$230,000 to \$400,000. He explained that the increase was due to a change in processing delinquent tax bills in-house and they were not sent out prior to June 30. He noted that since that figure was calculated, 25 percent of the taxes had been received and delinquent personal property for 2005 was now below \$300,000. He stated that preliminary numbers had been received from Robinson, Farmer and Cox, the County auditors, indicating that last year's 3.03 percent delinquency rate should be matched this year.

Mr. DeJarnette stated that individuals who had not paid their personal property tax for qualifying personal vehicles by September 1 would lose their tax relief credits for prior years' taxes, and those tax entitlements would be added back into their tax bills. This would increase the personal property delinquency to approximately \$400,000 for the 2,400 accounts for 2005. He noted that the 3.03 percent delinquency rate would probably not be

equaled next year.

Mr. DeJarnette referenced the schedule showing delinquent real estate parcels assigned for collection by the law firm of Sands, Anderson, Marks and Miller of Fredericksburg which would be processed through the judicial sale process. He indicated that Mr. Thomas Bricken had been handling these collections for the County and had collected 100 percent of accounts assigned for three years in succession. He said that only two parcels of land were sold last year because the parcels had been abandoned by the former owners. The monies received were applied to taxes owed and the excess funds returned to the landowners.

Mr. DeJarnette discussed the practice of publishing the Treasurer's List of Delinquent Taxes, both real estate and personal property, in the local newspaper. He said he had received a bid of \$4,500 from the *Culpeper Star-Exponent*, which was the same fee as the previous two years, and he proposed to publish the list as a separate supplement in January. He noted that the *Star-Exponent* had a paid circulation of 8,000, and combined with the *Culpeper News*' 14,000, they would reach an estimated 11,000 households.

Mrs. Hansohn inquired whether a bid had been obtained from the *Culpeper Citizen*. Mr. DeJarnette replied that he had not, but he planned to obtain a quote from them.

Mrs. Hansohn asked how the lawyers were compensated for handling collections. Mr. DeJarnette replied that attorney's fees and any expenses incurred were added to the amount to be collected, and the County received 100 percent of the taxes owned.

Mr. Chase asked what was the interest rates for past due taxes. Mr. DeJarnette informed him that there was a one-time 10 percent penalty added to the tax bill the day after the tax was due, and 10 percent interest was added on the first business day of each month thereafter.

Mr. Coates called attention to the fact that some post offices in the County sent its mail to Dulles to be processed and citizens should be aware that their tax payments must be postmarked by the local post office to avoid a late fee should there be a delay in sending the mail to Dulles for processing. Mr. DeJarnette agreed that the tax payment should be hand-canceled or hand-postmarked at a local post office on or prior to the due date in order to avoid a late penalty. He said his office was permitted to use the earlier postmark if there were two on the envelope.

Mr. Chase asked who set the 10 percent rate. Mr. DeJarnette replied that it was set

by the *Code of Virginia* and supported by the County Code.

Mr. David Maddox, County Attorney, agreed that the County had an ordinance that specified the 10 percent permitted by State Code. Mr. Chase asked whether the rate could be less. Mr. Maddox replied that it could probably be less than the full 10 percent, but the County Code paralleled the State Code.

Mr. DeJarnette called the Board's attention to the voluntary contribution summary and recalled that each year a letter was enclosed with the tax bills asking for voluntary contributions to six different agencies: Humane Society, the Community Recreation Complex, Department of Human Services Children's Programs, Library and the Schools' athletic programs and Schools' capital improvement programs. In the years 2002-2004, contributions were \$10,000 to \$12,000, but last year contributions dropped to \$8,300, mainly due to the tsunami and hurricane relief efforts, as well as the Armed Services relief efforts. At the same time, the average for total number of contributors almost doubled from \$44 per contributor to \$106 per contributor. He asked the Board if they wished to continue with the same six agencies when the bills were sent out for the 2006 tax year.

Mr. Walker asked whether Mr. DeJarnette was asking for suggestions since several were very low, such as the education category. Mr. DeJarnette pointed out that the Community Complex received 21 percent of the total contributions, while the Schools' athletic programs only received 1 percent, and the DHS Children's Program received 20 percent. He noted that the Schools' athletic programs could possibly be combined with the Community Complex, but suggested that the Library and Humane Society remain.

Mr. Chase pointed out that the budget covered the Schools' athletic program, and he would agree the two athletic programs could be combined.

Mr. Chase moved, seconded by Mr. Hansohn, to keep the six agencies as presently shown on the tax bills.

Mr. Nixon stated that based on the comments from the Treasurer, it would seem feasible to reduce the five items to six because of the decrease in contributions. Mr. DeJarnette suggested that the categories remain the same for one more year, and a decision could be made next year based on five years of history.

Mr. Walker asked whether the number of people contributing in each category could be included in next year's statistics. Mr. DeJarnette agreed that would be possible.

Mr. Coates stated he was glad to see that the County would continue to ask for contributions because he had received a lot of positive feedback in the past.

Mr. Coates called for voice vote.

Ayes - Aylor, Chase, Coates, Hansohn, Rosenberger, Walker

Nay - Nixon

Motion carried 6 to 1.

Mr. Chase moved, seconded by Mrs. Hansohn, to accept the Treasurer's Report.

Mr. Walker complimented Mr. DeJarnette on the excellent job he had done.

Mr. Coates called for voice vote.

Ayes - Aylor, Chase, Coates, Hansohn, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

AWARD OF CONTRACT FOR ARCHITECTURAL SERVICES

Mr. Bossio asked the Board to postpone awarding the contract for architectural services for the Airport terminal design until after the October meeting of the Virginia Aviation Board. He explained that the funds for the terminal had been approved, but he just learned there had been a 34 percent increase in the allowable square footage for which the State would pay.

Mr. Chase moved, seconded by Mr. Walker, to postpone the award of contract until the November Board meeting.

Mr. Coates called for voice vote.

Ayes - Aylor, Chase, Coates, Hansohn, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

AWARD OF CONTRACT FOR RECORDS MANAGEMENT CONSULTANT SERVICES

Mr. Culpeper recalled that the Board had previously approved an RFP for consultant services to assist the County in examining alternatives to meet future needs and to recommend the most efficient and cost effective records management system. He stated that four proposals were received, and the County's evaluation team determined the most effective and responsive vendor for these services was Coronado Group, Ltd. He recommended that the Board award the contract to the Coronado Group for \$38,000.

Mr. Chase asked whether the County was having problems with records management. Mr. Culpeper explained that the consultant would assist the County to develop a plan and to evaluate a vendor to implement a plan in accordance with the

requirements of the Library of Virginia for retention and disposal of records. He added that the School System and Human Services could ride the contract for assistance with their records without issuing a separate RFP.

Mrs. Hansohn asked whether the old School records were still stored in a room at the Piedmont School. Mr. Bossio informed her that the Schools had moved those records into a storage unit. Mrs. Hansohn suggested that the School System be encouraged to use the services being offered under the contract. Mr. Nixon recalled that the School System was renting a building from the Triolos at \$20,000 a year to store their old records, and it would be an incentive for them to implement this program.

Mr. Nixon asked how long it would take the consultant under the proposed contract to provide recommendations. Mr. Culpeper replied that the consultant estimated it would take no more than three months before a recommendation regarding a vendor could be made to do the document imaging.

Mrs. Hansohn asked if that timetable included the Schools' records. Mr. Culpeper replied that the timetable only included the County's records.

Mr. Nixon pointed out that for a separate fee, the School System could "piggyback" on the County's contract.

Mr. Coates agreed that the School System should be included in the contract so that there would be a one-time cost to the County

Mrs. Hansohn suggested that a letter be sent to the School Board asking them if they wished to participate. Mr. Culpeper agreed and said there was a provision in the contract stipulating that both Department of Social Services and the School System could ride the contract if they wished to do so, but the \$38,000 was only the County's fee.

Mr. Nixon moved to send a letter from the Board Chairman to the School System and the Department of Social Services requesting that they join the contract to investigate ways to better implement their records storage.

Mr. Chase asked whether the motion included approving the contract with the Coronado Group. Mr. Nixon stated he would amend his motion to include the awarding of the contract.

Mr. Chase seconded the motion.

Mr. Coates called for voice vote.

Ayes - Aylor, Chase, Coates, Hansohn, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

AWARD OF CONTRACT FOR EMERGENCY MEDICAL VEHICLE

Mr. Culpeper informed the Board that the Department of Emergency Services had identified a need for an additional ambulance due to the institution of the 24/7 paid rescue staff. He said that four bids were received as a result of an RFP, and Fresco Emergency Sales was the most qualified bidder at \$124,226. He explained it would be a five-year contract to buy emergency vehicles for the next five years with a 4 percent increase each year. He noted that Fresco Emergency Sales offered a six-year, 72,000-mile warranty on the equipment, 15 years on the structure, and 24/7 maintenance response within the 24-hour notification. He said that Fresco Emergency Sales also had a third-party crash test which no other rescue squad dealer offered, and the cab of the unit could be removed and placed on another chassis to provide additional life value of the unit. He recommended that the Board award the contract to Fresco Emergency Sales for \$124,226.

Mr. Nixon asked whether the ambulance was being purchased or leased. Mr. Culpeper replied that it would be purchased.

Mr. Nixon asked for an explanation of the four percent escalator clause in the contract. Mr. Culpeper explained that should the County decide an additional ambulance was needed next year, it would \$124,226, plus four percent.

Mrs. Hansohn asked whether there were other vehicles being operated by just the paid staff.

Mr. Tom Williams, Emergency Services Director, replied that the paid staff was operating the Culpeper Rescue vehicle and the one donated by the Amissville Volunteer Fire and Rescue, and the new vehicle would bring the total to three.

Mr. Chase questioned why the request for a new ambulance had not been referred through the Public Safety Committee. Mr. Williams replied that the Board had approved a grant from the State for a new ambulance approximately one year ago for \$42,000, and he felt that the full Board was the appropriate place to bring the recommendation for awarding a contract.

Mr. Nixon asked whether staff had checked with other Rescue Squads to determine if they had any surplus ambulances that could be obtained instead of buying new equipment. Mr. Williams replied that he had not checked with other departments, but to his

knowledge they had no surplus ambulances. He pointed out that traditionally the State would not award a grant to purchase an older ambulance.

Mr. Coates noted that many of the units in the County were completely worn out. Mr. Williams agreed. Mr. Coates stated that it would serve the County well to try to upgrade some of the older equipment, especially in view of the fact that 24/7 service had been instituted. He acknowledged that the volunteers provided excellent service to the County, but they were not always available to answer calls.

Mr. Coates asked whether the proposed vendor offered a backup unit in the event the new unit was out of service. Mr. Culpeper replied that Fresco Emergency Sales had a maintenance shop in Richmond and, should the ambulance be out of service for an extended number of days, another rescue squad vehicle would be provided.

Mr. Coates asked whether consideration had been given to retaining vehicles being replaced for use as backups should the need arise. Mr. Williams replied that State law required each ambulance to be licensed, and it might be appropriate to have one in reserve that had been inspected, licensed, and ready to go.

Mr. Chase moved, seconded by Mr. Nixon, to award a contract to Fresco Emergency Sales to purchase an emergency medical care vehicle.

Mr. Nixon suggested that a notice be placed in the *Culpeper Minutes* regarding the County's new 24-hour EMS. He said this was a monumental step for the County to take and the citizens should be made aware of it. Mr. Williams agreed to act on Mr. Nixon's suggestion.

Mr. Coates called for voice vote.

Ayes - Aylor, Chase, Coates, Hansohn, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

WATER QUALITY IMPROVEMENT GRANT AGREEMENT AND APPROPRIATION OF FUNDS

Mr. John C. Egertson, Planning Director, recalled that the Board had approved applying for a grant from the Department of Conservation and Recreation (DCR) for water quality improvement funds in the amount of \$42,000. He said the purpose of the grant was to hire a consultant to assist the County in the creation of a Storm Water Management Ordinance to incorporate a low impact design for inclusion into the County Code and to include an actual low impact design project in the field. He stated at the time the grant was

written, staff reached an agreement with Angler Development to provide \$15,000 as part of the match for this grant and they would implement that pilot project in the field on one of their commercial sites. He said he was pleased to report that the DCR has offered a grant agreement for the \$42,000 with 50/50 matching funds; however, no actual County funds would be involved since it would be done through in-kind services of County staff and the Angler match. He recommended that the Board approve the grant agreement and to appropriate the \$42,000 that would be received on a reimbursement basis.

Mr. Chase moved, seconded by Mrs. Hansohn, to approve the grant agreement and to appropriate the \$42,000 to be received from the State DCR.

Mr. Coates called for voice vote.

Ayes - Aylor, Chase, Coates, Hansohn, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

AWARD OF CONTRACT FOR A GRANT WRITING PROGRAM

Mr. Bossio recalled that at the Board's August meeting, he agreed to bring a final proposal back for approval to award a contract to eCivis for a grant-writing program. He stated that the program would provide access by the County and other persons involved with the County, to a professional tool to quickly identify grants for application to various sources, as well as to build a tracking and monitoring system for current and new grants and to help identify financial and audit risks associated with grants. He said he was recommending that the Board award a yearly contract to eCivis for this grant-writing program.

Mr. Nixon moved, seconded by Mr. Walker, to award a contract to eCivis for a grant-writing program.

Mrs. Hansohn asked how the various agencies and departments would be notified that the program was available. Mr. Bossio assured her that the company would provide introduction and training sessions through personal contact and in regular staff meetings.

Mr. Aylor stated that the program would definitely streamline the grant process and would pay for itself the first time it was used.

Mr. Coates called for voice vote.

Ayes - Aylor, Chase, Coates, Hansohn, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

Mr. Coates recessed the meeting at 10:56 a.m.

Mr. Coates called the meeting back to order at 11:10 a.m.

NEW BUSINESS

COMMITTEE REPORTS

RULES COMMITTEE REPORT - AUGUST 8, 2006

Mr. Walker reported that the Rules Committee met and have three recommendations to forward to the full Board:

1. Recommending to rebate \$121.75 to The Culpeper Recreation Foundation, Inc., for building permit fees paid to install 10 scoreboards for the Sports Complex.

Mr. Walker moved, seconded by Mr. Nixon, to approve a rebate of \$121.75 to The Culpeper Recreation Foundation, Inc.

Mr. Coates noted that all of the work was done through the Recreation Foundation, and they should be commended for a very professional job.

Mr. Coates called for voice vote.

Ayes - Aylor, Chase, Coates, Hansohn, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

2. Recommending to award the contract for billing services for emergency transports to Diversified Billing, Inc.

Mr. Walker stated the Rules Committee had discussed billing for 24/7 ambulance services at great length prior to making a recommendation.

Mr. Walker moved, seconded by Mr. Nixon, to award a contract to Diversified Billing, Inc., to handle the billing for ambulance services.

Mr. Chase questioned why billing for ambulance services had not been referred through the Public Safety Committee. Mr. Nixon replied that the item had been before Public Safety and a recommendation was made to move it to the full Board for approval to obtain bids from different companies. He said the proposal to award a contract had gone to the Rules Committee prior to being referred to the full Board.

Mrs. Hansohn asked for an explanation of how the program would work so that the public would be aware of the new billing procedures. Mr. Williams explained that the company would provide "soft billing" which meant that only the insurance companies would be billed and a copy would be sent to the patient. If an insurance company did not pay, the patient would not be liable for payment.

Mrs. Hansohn questioned whether patients would be asked for the name of their

insurance carrier when they were being picked up. Mr. Williams replied they would be asked for their insurance information, but they would be told they would not have to pay anything out of their own pockets nor would they be denied transport to the hospital if they did not have insurance.

Mr. Nixon thought it was important to note that the bill would only be for loaded miles, and no fee would be incurred if a patient were not transported.

Mr. Coates asked how the billing would be tracked. Mr. Williams replied that Company 11 would provide EMS run sheets each day and the information would initially be sent overnight to the billing company in Virginia Beach until the information could be sent electronically.

Mr. Chase apologized for questioning why the item did not come before Public Safety, but the title confused him. He said he was a big proponent of the billing system through the insurance companies. He wanted it to be clear that no one would be turned away.

Mr. Coates asked what would happen if volunteers responded to a call. Mr. Williams stated that the volunteer agencies had not chosen to participate in billing for services at this time.

Mrs. Hansohn asked why the volunteers were not participating. Mr. Williams replied that most of the volunteers felt that private donations would fall if patients were billed for services.

He pointed out that the contract had been written to allow the volunteers to participate if they decided to do so at a later date. Mr. Nixon added that billing for services had been discussed with the Fire and Rescue Association and the Association held several meetings with all of the departments, but none wished to participate at this time. Mr. Chase suggested that the program should be discussed further with the volunteers because he felt it was not clear that no one would ever be denied service. Mr. Nixon assured him that it had been explained to them on several occasions, but could be done again once the program was implemented.

Mr. Coates stated that the public and the local insurance companies should be educated regarding the process. Mr. Williams assured him that he would meet with the company immediately upon approval of the contract, and he would set up public education

meetings in each district throughout the County and invite members the Board of Supervisors to participate.

Mr. Coates asked when the program would be effective. Mr. Williams replied that it could be retroactive to July 1, or made effective in 30 days, or whenever the Board decided.

Mr. Nixon asked whether October 1 would provide sufficient time to alert the public. Mr. Williams felt that would give him sufficient time to reach most of the citizens through the newspapers and public information meetings.

Mr. Coates stated he would like the effective date to be a part of the motion.

Mr. Walker agreed that the amendment would be consistent with the Rules Committee recommendation. Mr. Nixon agreed to the amendment.

Mr. Coates called for voice vote.

Ayes - Aylor, Chase, Coates, Hansohn, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

3. Recommending to approve the resolution in order start the process to abandon Creativity Drive.

Mr. Walker moved, seconded by Mrs. Hansohn, to approve the resolution to begin abandonment of Creativity Drive.

Mr. Chase asked where Creativity Drive was located. Mr. Walker replied that it was part of the new Culpeper Colonnade Shopping Center near Montanus Self-Storage.

Mr. Coates stated that during the Rules Committee meeting, he did not realize that the right-of-way was being abandoned, but actually the existing road would be extended, and it was within that area that Creativity Drive would be abandoned. He asked who would be responsible for maintenance. Mr. Egertson stated that the road would be a part of the road/parking lot area within the Culpeper Colonnade Shopping Center and would be entirely maintained by Regency Centers, Inc.

Mr. Coates called for voice vote.

Ayes - Aylor, Chase, Coates, Hansohn, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

See Attachment #1 for details of meeting.

TOWN/COUNTY INTERACTION COMMITTEE REPORT - AUGUST 23, 2006

Mr. Chase reported that the Town/County Interaction Committee met and had one recommendation for the full Board:

1. Recommending to the Town Council and Board of Supervisors that a joint letter be sent to the Congressional delegation asking for their assistance how to handle illegal immigrants at the local level.

Mr. Chase stated that Mr. Steve Jenkins, Town Councilman, made the motion, but he did not believe the recommendation was for a joint letter, but that each body would send a separate letter. He emphasized that the motion dealt with “illegal” immigrants only.

Mr. Chase moved, seconded by Mrs. Hansohn, to send a letter to the Congressional delegation asking for guidance on how to handle illegal immigrants at the local level.

Mrs. Hansohn stated she felt it would be helpful to receive some feedback from the Congressmen regarding the legalities since the County was governed by the Dillon Rule, rather than home rule.

Mr. Chase suggested that the motion be expanded to send letters also to Senators Edd Houck and Ed Scott in order to receive State guidance as well.

Mr. Nixon stated his understanding was that a joint letter would be sent, but he had no problem with an independent letter.

Mr. Walker felt the letter might carry more weight if it were a joint letter from the County and Town, but if the Town decided not to send a letter, then the County could send an individual letter. He said he would like to have guidance from the Congressional delegation regarding how the County could gather information to determine how many “illegal” students were in the School System. Mr. Chase pointed out that the School System maintained they were not permitted by law to ask whether a student had citizenship in the United States.

Mr. Coates asked Mr. Chase whether he would agree to the amendment to the motion. Mr. Chase stated he would agree to the amendment, but he wanted it understood that only “illegal” immigrants were involved. Mr. Coates stated that the Town Council would meet next week. Mr. Chase stated he would agree to a joint letter if agreeable to the Town; and if not agreeable, the County could send an individual letter at the end of next week. Mrs. Hansohn agreed with the amendment.

Mr. Rosenberger expressed his dismay regarding comments that had been made relative to polarizing or dividing the community. He said he did not believe that anybody that had been involved in this issue on either side was trying to do anything along those lines. He felt that Mr. Chase was correct, but the issue was deeper than “legal” and “illegal”

because it was a matter of fairness. He stated it was not fair to individuals who had gone through the naturalization process to become citizens of the United States, and it was not fair to ignore people who were in the country illegally. He pointed out that the County's finances were being strained and there was a need to find a way to ensure that everybody paid their fair share.

Mr. Chase stated he agreed with Mr. Rosenberger's comments. He said it was unfair that the financial burden was being placed on taxpayers for services to illegal immigrants.

Mr. Coates called for voice vote.

Ayes - Aylor, Chase, Coates, Hansohn, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

See Attachment #2 for details of meeting.

ECONOMIC DEVELOPMENT REPORT

Mr. Carl Sachs, Director of Economic Development, reported that the Agricultural Resource Advisory Committee had been working on developing a Purchase of Development Rights program that would define the methods and processes by which agricultural landowners could sell rights to their property, and the County could purchase those rights to protect the open space and farmland and to provide a source of revenue to farmers. He stated that a draft would be presented to the Rules Committee at next month's meeting without a request for funding from the Board of Supervisors. The Agricultural Committee thought it was important to have a program established without funding at this time because there was a possibility that preservation groups would pressure the Governor for funding and, if funding were provided by the State, a program would already be in place and could be readily implemented.

Mr. Sachs also reported that he planned to attend two conferences in September: The International Economic Development Council in New York City, and the Virginia Economic Developers Association Fall Conference in Roanoke, Virginia, at which Governor Kaine would present his economic development strategy for the Commonwealth, including transportation.

AIRPORT ADVISORY COMMITTEE REPORT - AUGUST 9, 2006

Mr. Bossio reported the Airport Advisory met, and there were no action items coming forward to the full Board.

ADMINISTRATOR'S REPORT

Mr. Bossio stated he had no items to present.

CLOSED SESSION

Mr. Nixon moved to enter into closed session, as permitted under the following *Virginia Code* Sections, and for the following reasons:

1. Under *Virginia Code* § 2.2-3711(A)(1), to consider: (A) Readvertising for an appointment to the Agricultural Resource Advisory Committee; (B) readvertising for an appointment to the Parks & Recreation Advisory Committee; and (C) readvertising for an appointment to the Town & County Joint Board of Zoning Appeals.
2. Under *Virginia Code* § 2.2-3711(A)(7) & (A)(30), for discussion with legal counsel and staff of the status and negotiation of a specific agreement with another public entity and probable litigation, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the County.
3. Under *Virginia Code* § 2.2-3711(A)(3), (A)(7) & (A)(30), for discussion with legal counsel and staff regarding the negotiations with a private company for the County to purchase real property in the Town of Culpeper and associated lease, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the County.
4. Under *Virginia Code* § 2.2-3711(A)(3), (A)(7) & (A)(30), for discussion with legal counsel and staff regarding negotiations with a private company to purchase real property owned by the County in the Culpeper Industrial Airpark, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the County.
5. Under *Virginia Code* § 2.2-3711(A)(7), for discussion with legal counsel and staff regarding probable litigation concerning changes in ordinances where discussion in an open meeting would adversely affect the negotiating and litigation posture of the County.

Seconded by Mr. Walker.

Mr. Coates called for voice vote.

Ayes – Aylor, Coates, Hansohn, Nixon, Rosenberger, Walker

Nay – Chase

Motion carried 6 to 1.

Mr. Coates called for recess at 11:35 a.m. for lunch break.

The Board entered into closed session at 1:15 p.m.

The Board returned to open session at 3:05 p.m.

Mr. Coates polled the members of the Board regarding the closed session held. He asked the individual Board members to certify that to the best of their knowledge, did they certify that (1) only public business matters lawfully exempted from the open meeting requirements under Virginia Freedom of Information Act, and (2) only such public business matters as were identified in the closed session motion by which the closed meeting was convened, were heard, discussed or considered by the Board in the closed session.

Mr. Coates asked that the record show that Mr. Chase was not present for the Closed Session.

Ayes - Aylor, Walker, Coates, Nixon, Rosenberger, Hansohn

RE: READVERTISE VACANCY ON AGRICULTURAL RESOURCE ADVISORY COMMITTEE

Mr. Nixon moved, seconded by Mrs. Hansohn, to readvertise for appointment to the Agricultural Resource Advisory Committee to fill a vacancy for a three-year term.

Mr. Coates called for voice vote.

Ayes – Aylor, Coates, Hansohn, Nixon, Rosenberger, Walker

Absent – Chase

Motion carried 6 to 0.

RE: APPOINTMENT TO PARKS AND RECREATION ADVISORY COMMITTEE

Mr. Nixon moved, seconded by Mr. Walker, to appoint Leslie S. Maryk to the Parks and Recreation Advisory Committee to represent the West Fairfax District.

Mr. Coates called for voice vote.

Ayes – Aylor, Coates, Hansohn, Nixon, Rosenberger, Walker

Absent – Chase

Motion carried 6 to 0.

RE: READVERTISE VACANCY ON THE TOWN & COUNTY JOINT BOARD OF ZONING APPEALS

Mr. Nixon moved, seconded by Mr. Aylor, to readvertise the vacancy on the Town and County Joint Board of Zoning Appeals.

Mr. Coates called for voice vote.

Ayes – Aylor, Coates, Hansohn, Nixon, Rosenberger, Walker

Absent – Chase

Motion carried 6 to 0.

RE: APPROVAL OF PURCHASE AGREEMENT BETWEEN WACHOVIA BANK AND THE COUNTY

Mr. Nixon moved, seconded by Mr. Aylor, to approve the purchase agreement between Culpeper County and the Wachovia Bank for the purchase of the bank building located on Main Street.

Mr. Coates called for voice vote.

Ayes – Aylor, Coates, Hansohn, Nixon, Rosenberger, Walker

Absent – Chase

Motion carried 6 to 0.

RE: ADVERTISE ABANDONED ROADWAY

Mr. Nixon moved, seconded by Mrs. Hansohn, to advertise the sale of abandoned platted roadway located in the Culpeper Industrial Airpark.

Mr. Coates called for voice vote.

Ayes – Aylor, Coates, Hansohn, Nixon, Rosenberger, Walker

Absent – Chase

Motion carried 6 to 0.

RE: APPROVAL OF ZONING REVISION

Mr. Nixon moved, seconded by Mrs. Hansohn, on behalf of the Board, that the Board apply to the Planning Commission for a text revision of Zoning Ordinance Article 7.1, Article 7, Article 8, and Appendix C, as drafted by the County's Zoning Consultants.

Mr. Coates called for voice vote.

Ayes – Aylor, Coates, Hansohn, Rosenberger, Walker

Nay - Nixon

Absent – Chase

Motion carried 5 to 1.

ADJOURNMENT

Mrs. Hansohn moved to adjourn at 3:09 p.m. Seconded by Mr. Rosenberger.

Mr. Coates called for voice vote.

Ayes – Aylor, Coates, Hansohn, Nixon, Rosenberger, Walker

Absent – Chase

Motion carried 6 to 0.

Peggy S. Crane, CMC
Deputy Clerk

John F. Coates, Chairman

Frank T. Bossio
Clerk to the Board

APPROVED: October 3, 2006